



Board of Adjustment Case Report

City of Raleigh
Planning & Development Department
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

Case File: A-75-17

Property Address: 1100 Newton Road

Property Owner: Gethsemane Evangelical Lutheran Church

Project Contact: Vic Buzzard

Nature of Case: Request for special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance in order to expand the existing 33 enrollee church preschool to a 78 enrollee Day Care Center on a 3.42 acre parcel zoned Residential-4 and located at 1100 Newton Road.



1100 Newton Road – Location Map

**ADDITIONAL
NOTES:**

None

**PREVIOUS
VARIANCES:**

Case A-47-15 allowed a wall sign in a Residential District on the side of the Church sanctuary.

To BOA: 6-12-17**Staff Coordinator:** Eric S. Hodge, AICP**Zoning District:** Residential-4**1100 Newton Road – Zoning Map**

SHOWINGS: In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;

2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

Sec. 6.4.1.c. C. Day Care Center

1. Defined

A day care for more than 8 persons where staffing complies with state and local regulations. Includes nursery school and preschool.

2. Use Standards

a. In a Residential District, the following minimum lot areas per enrollee apply:

- i. R-1, R-2, and R-4: 1,040 square feet; (*Staff note: the site acreage could theoretically accommodate 143 enrollees based on minimum lot area*)
- ii. R-6: 640 square feet; and
- iii. R-10: 240 square feet.

b. In a Residential District, 1 unlit announcement sign is allowed, not to exceed 2 square feet in area and 3½ feet in height.

c. In a Residential District, a Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting a residential use.

d. In a Residential District, a Type C2 street protective yard (see Sec. 7.2.4. B.) must be established along all property lines abutting a public right-of-way.

e. Must comply with all state and local standards.

Sec. 7.2.4. Protective Yards

A. Transitional Protective Yards

1. A transitional protective yard is required along perimeter lot lines:

a. For specific uses as set forth in Chapter 6. Use Regulations (type as specified); and

b. Where an IH District abuts any other district other than an IH District a Type B1 or B2 transitional protective yard must be installed.

Type A1: 6.5' wall, 6' wide yard, 4 shade trees spaced over every 100' linear feet.

Type A2: 6.5' fence, 10' wide yard, 4 shade trees and 4 understory tree spaced over every 100' linear feet.

B. Street Protective Yard

1. A street protective yard is required along the edge of the street right-of-way:

a. For specific uses as set forth in Chapter 6. Use Regulations (type as specified); and

b. Where an IH District is across the street from any other district other than an IH District, a Type C1 or C2 street protective yard must be installed.

2. A required street protective yard may be replaced with a tree conservation area that meets the requirements of Article 9.1. Tree Conservation

3. The protective yards in Special Highway Overlay Districts 1 and 2 (Sec. 5.3.1. D.) take the place of any street protective yard required in Sec. 7.2.4.B.

Type C2: 15' wide yard, 4 shade trees spaced over every 100' of street right of way & 15 shrubs spaced over every 100' of street right of way.

Special Use Permit Application

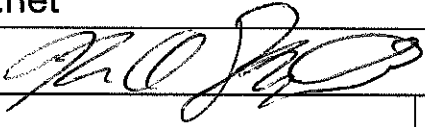
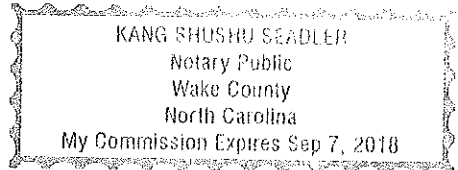


RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Nature of request (Submit addendum on separate sheet, if more space is needed.) Request a Special Use Permit for expanding the existing Church Preschool of 33 children, ages 3-5, into a new single story 9,816 sq. ft. building with a maximum of 78 children, ages 0-5.	OFFICE USE ONLY
	Transaction Number A-75-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous special use permit request, provide the case number. 485580	

GENERAL INFORMATION		
Property Address : 1100 Newton Road, Raleigh, NC 27615		Date : 4-21-2017
Property PIN : 1707.2-95-8102	Current Zoning : R-4	
Nearest Intersection : Harps Mill	Property size (in acres) : 2.89 acres	
Property Owner : Gethsemane Lutheran Church	Phone : (919) 847-0579	Fax
Owner's Mailing Address : 1100 Newton Road, Raleigh, NC 27615		
Email : gardenpastor@gmail.com		
Project Contact Person : Vic Buzard	Phone (919) 847-1875	Fax
Contact's Mailing Address : 6201 Lookout Loop, Raleigh, NC 27612		
Email : vlbuzard@att.net		
Property Owner Signature  RYAN A. DIGGS		
Notary Sworn and subscribed before me this <u>26</u> day of <u>April</u> , 20 <u>17</u> .	Notary Signature and Seal 	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A Special Use Permit Application will not be considered complete until all required submittal components listed on the Special Use Permit Checklist have been received and approved.

1100 Newton Road
Raleigh, NC 27615



Office: (919) 847-0579
Pastor: (919) 539-2218

April 24th, 2017

Greetings. This letter is in regards to the Special Use permit for Precious Lambs Early Learning Center.

Precious Lambs has been a blessing to the community of North Raleigh for over 17 years. The school has served hundreds of families over those years. It has provided a quality education, spiritual training, and individualized care for 3-5 year olds. The school serves a variety of children from a variety of cultural backgrounds, a variety of income categories and a variety of family backgrounds. It also is one of only two centers in North Raleigh that offers Full Day Christian Care.

In fact, the goal of the school is to provide *Quality, Christ-Centered, Caring* education to all of the North Raleigh community. Because of this, we maintain a Five Star state rating. We also train our teachers at an accredited school. Our congregation also provides funding to offset the cost of the school & keep rates lower than the rates of similar centers. Various volunteers also work at various tasks (school board, book keeping, janitorial, groundwork, substitutes) in order to keep the cost down and the education accessible to families.

In addition, a special Tuition Assistance fund has been established as a scholarship for students whose parents might be unable to pay tuition for an extended or a brief amount of time. Our goal with this program is to continue to provide the quality program but still be able to pay our teaching staff a quality wage. In the past three years, Precious Lambs has provided 17 scholarships.

The goal with the expansion of the center is to provide similar education for children ages 0-2. This would allow families for which the parent(s) is/are working full time to find a quality center with a caring atmosphere in the area for a reasonable price. Over the past two years, our director has tracked inquiries for childcare. Over 70% of all inquiries have been about 0-2 year old care. In addition, having this care available would allow families with children in a variety of ages to be together & for the children to have a stable environment for a healthy portion of their early childhood education.

Our current facilities do not allow the space for such an endeavor. Hence the expansion. The new facility will aim to be a state of the art facility. Clean, fresh, and new – but with aspects of hominess that make children feel at home & encourage learning.

Lastly, the move of the center to the Expansion Building will allow our current center space to be used to serve our community. Our initial thoughts are to reconfigure into a Youth Group area for teens during the week and/or an English as a Second Language learning center for many of the immigrants in our community.

I believe whole heartedly that Precious Lambs is a blessing to the North Raleigh community. An expansion would only allow the center to be a blessing for years to come.

Thank you for your time, your consideration & for all that you do.

Pastor Phil Kiecker
Pastor
Gethsemane Lutheran Church



7/24/2014 4:06 PM

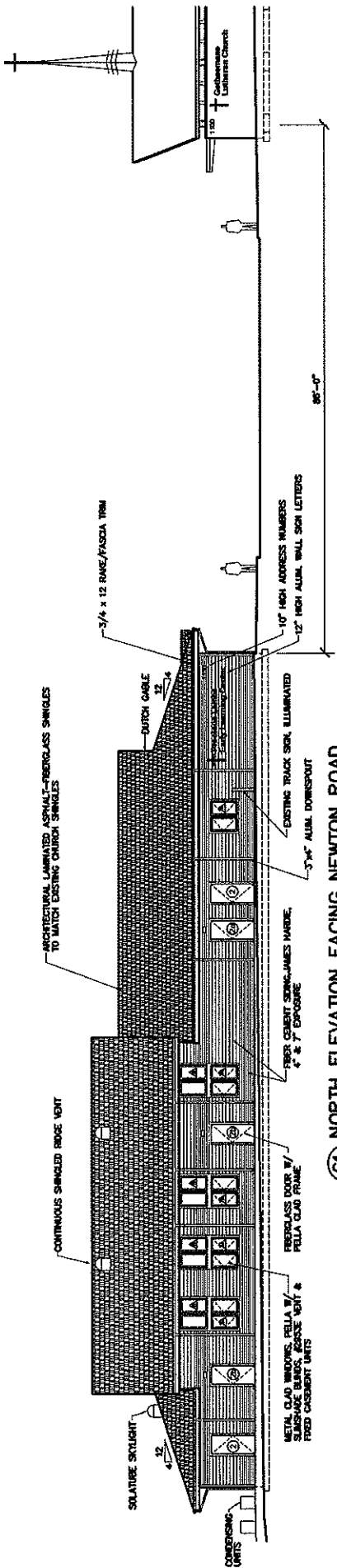


Victor M. Buzard, Jr., Architect
6201 LOOKOUT LOOP, RALEIGH, NC (919) 847-1875



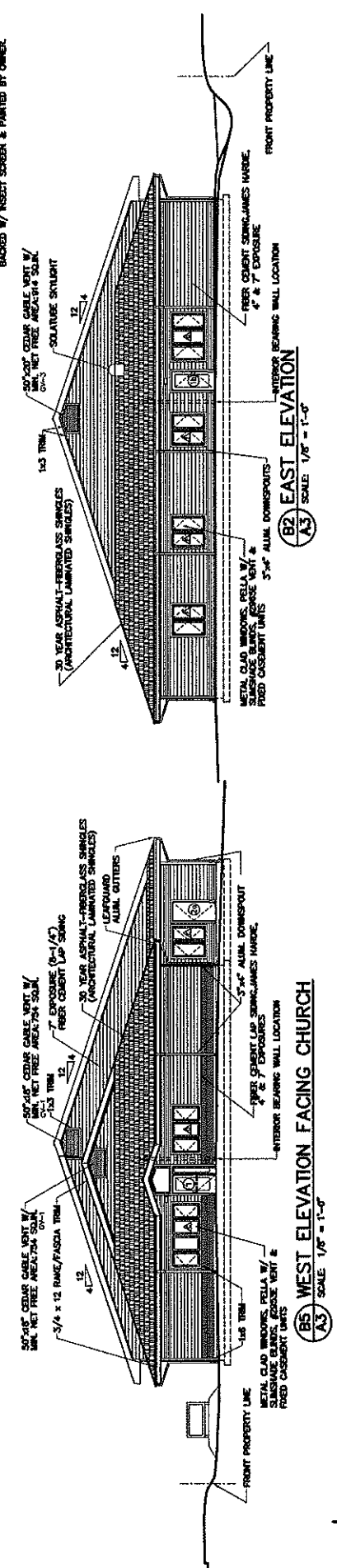
Getsemane Lutheran Church
PRECIOUS LAMBS EARLY LEARNING CENTER
1100 NEWTON RD., RALEIGH, NORTH CAROLINA

PROJECT NO. 2016.1
DATE: 10-2-16
REV. 5-24-17
SHEET NO. **A3**
OF 7

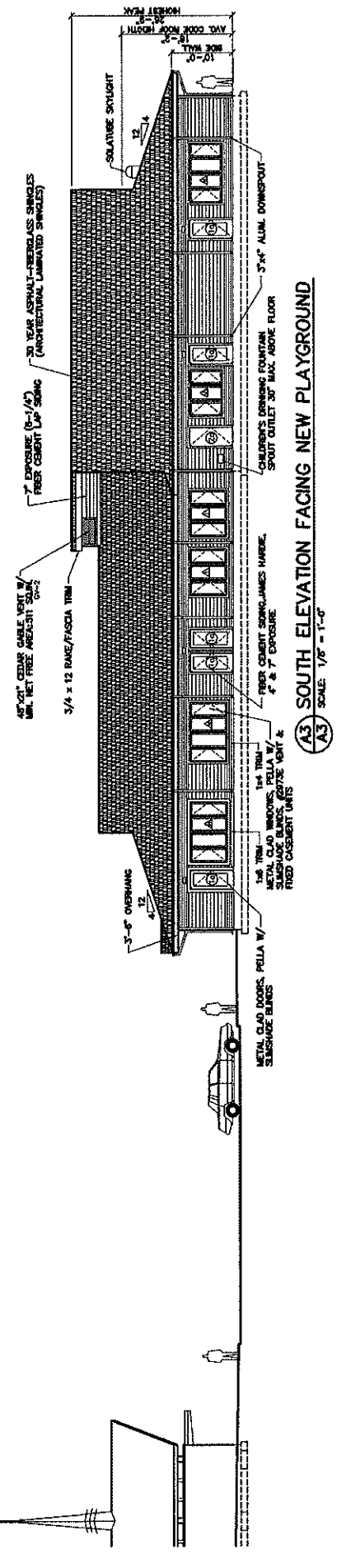


(C4) NORTH ELEVATION FACING NEWTON ROAD
SCALE: 1/8" = 1'-0"

GENERAL NOTES:
1. SEE ROOF PLAN SHEET AS FOR CABLE VENT LOCATIONS.
VENT BOARDS SHALL BE CLEAR CEDAR SLOPED DRIP EDGE
BACKED W/ INSUL. SPOUT & FINISH BY GABLE.



(B5) WEST ELEVATION FACING CHURCH
SCALE: 1/8" = 1'-0"

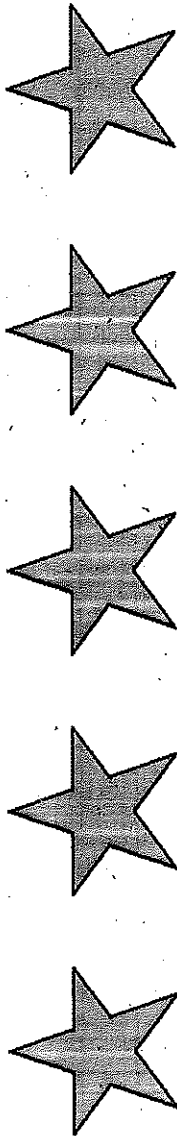


(A3) SOUTH ELEVATION FACING NEW PLAYGROUND
SCALE: 1/8" = 1'-0"

(B2) EAST ELEVATION
SCALE: 1/8" = 1'-0"

State of North Carolina
Department of Health and Human Services
Division of Child Development and Early Education

Five Star Child Care License



PRECIOUS LAMBS EARLY LEARNING CENTER

1100 NEWTON RD
RALEIGH, NC 27615-5222

In each area rated, this facility earned:

Staff Education: 7 out of 7 points
Program Standards: 6 out of 7 points
Quality Point: 1 out of 1 points

Education Option Met: ☐ Programmatic Option Met: ☒

Total: 14 out of 15 points

ID Number: 92000959

Type of Facility: Center

Issued to: GETHSEMANE EVANGELICAL LUTHERAN

Age Range: 3 - 12 years

Capacity: 1st shift: 33; 2nd shift: 0; 3rd shift: 0

Effective Date: May 12, 2016

Restrictions:

Daytime care only

Meets enhanced ratios

Meets enhanced space



In accordance with Article 7, Chapter 110 of the North Carolina General Statutes, the above named child care facility is issued a rated license. Licenses vary from an overall rating of one through five stars, based upon their cumulative points in the three categories above.

This license must be displayed in a prominent place so it may be available and shown to each child's parent or guardian when the child is enrolled. This license cannot be bought, sold or transferred. It is valid only for the location/address noted above. This license is the property of the State of North Carolina and must be returned to the Division of Child Development and Early Education in the event of termination or revocation.

Aldona Wos

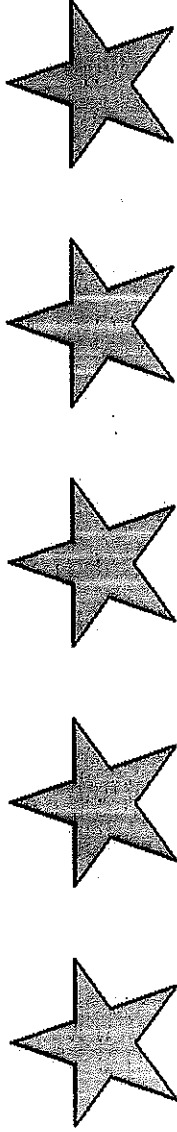
Aldona Wos, Secretary, Department of Health and Human Services

Robert W. Kindsvatter

Robert W. Kindsvatter, Director, Division of Child Development and Early Education

State of North Carolina
Department of Health and Human Services
Division of Child Development

Five Star Child Care License



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1100 NEWTON RD
RALEIGH, NC 27615-5222

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Staff Education: 6 out of 7 points

Program Standards: 7 out of 7 points

Quality Point: 1 out of 1 points

Education Option Met: ☐ Programmatic Option Met: ☒

Total: 14 out of 15 points

ID Number: 92000959

Type of Facility: Center

Issued to: GETHSEMANE EVANGELICAL LUTHERAN

Age Range: 3 - 12 years

Capacity: 1st shift: 29; 2nd shift: 0; 3rd shift: 0

Effective Date: January 11, 2011

Restrictions:

Daytime care only

No children under 3

Meets enhanced ratios

Meets enhanced space



In accordance with Article 7, Chapter 110 of the North Carolina General Statutes, the above named child care facility is issued a rated license. Licenses vary from an overall rating of one through five stars, based upon their cumulative points in the three categories above.

This license must be displayed in a prominent place so it may be available and shown to each child's parent or guardian when the child is enrolled. This license cannot be bought, sold or transferred. It is valid only for the location/address noted above. This license is the property of the State of North Carolina and must be returned to the Division of Child Development in the event of termination or revocation.

Lanier M. Cansler

Lanier M. Cansler, Secretary, Department of Health and Human Services

Deborah J. Cassidy, Ph.D.

Deborah J. Cassidy, Director, Division of Child Development



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

Trademark Section
(919) 807-2162 (Direct Dial)
(919) 807-2215 (Facsimile)

January 27, 2014

Roger Kaus
Gethsemane Evangelical Lutheran Church, Raleigh, North Carolina
1100 Newton Road
Raleigh, NC 27615

RE: Affidavit of Use for "Precious Lambs Early Learning Center" [T-14989]

Dear Mr. Kaus:

The specimen submitted complies with N.C.G.S. §80-5. Therefore, the registration is extended until its renewal date in five years.

If you have any questions, please feel free to contact us at 919-807-2056.

Respectfully,

A handwritten signature in cursive script that reads "Andrea Hunter".

Andrea Hunter
Trademarks Division

/ah

HALL & O'DONNELL, L.L.P.

ATTORNEYS AT LAW
4080 BARRETT DRIVE
(CORNWALLIS SQUARE)

RALEIGH, NORTH CAROLINA 27609

HAROLD G. HALL
JOHN B. O'DONNELL, JR.

MAILING ADDRESS
POST OFFICE BOX 19607
RALEIGH, N. C. 27619-9607
TELEPHONE (919) 782-7430
FACSIMILE (919) 782-7565

December 1, 1998

The Reverend Scott D. Mews
Gethsemane Evangelical Lutheran Church
1100 Newton Road
Raleigh, North Carolina 27615

RE: Precious Lambs Early Learning Center - Registration

Dear Reverend Mews:

I am enclosing herewith the original Certificate of Registration for the Precious Lambs Early Learning Center.

Should you have any questions with regard to this matter, please do not hesitate to give me a call.

Very truly yours,

HALL & O'DONNELL, L.L.P.

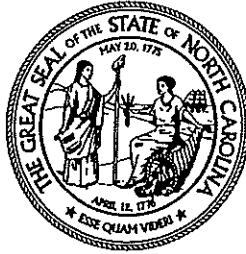
Harold G. Hall /ab

Harold G. Hall

HGH/ab

Enclosure

STATE OF
NORTH
CAROLINA



T -14989

Department of the
Secretary of State

CERTIFICATE OF REGISTRATION

WHEREAS application has been made by GETHSEMANE EVANGELICAL LUTHERAN CHURCH, RALEIGH, NORTH CAROLINA, A NORTH CAROLINA NON-PROFIT CORPORATION, whose business address is 1100 NEWTON ROAD, RALEIGH, NORTH CAROLINA 27615, for registration of a certain SERVICE MARK described as follows:

PRECIOUS LAMBS EARLY LEARNING CENTER

a reproduction of which is attached to this certificate and claimed by applicant to have first been used anywhere on JANUARY 1, 1998 and first used in North Carolina on JANUARY 2, 1998 to identify and distinguish the SERVICES of the applicant described as follows:

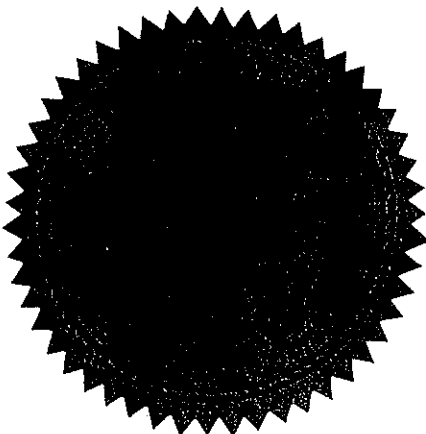
**EARLY EDUCATION PROGRAM FOR CHILDREN AGES THREE TO FIVE
in Class 107, EDUCATION AND ENTERTAINMENT**

WHEREAS said application has been examined and found to comply with the requirements of the North Carolina Trademark Registration Act.

NOW, THEREFORE I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify that the said mark has been duly registered for a period of ten years from the date of this certificate.

*IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my official seal.*

*Done in office at Raleigh this
the 2ND day of OCTOBER, 1998.*



Elaine F. Marshall

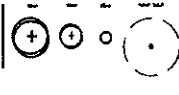
Secretary of State

1. S
2. A
3. S
4. S
5. F
6. P
7. C
- M

COMPLETE.

NEW STREET TREES, 40' O.C.

SITE

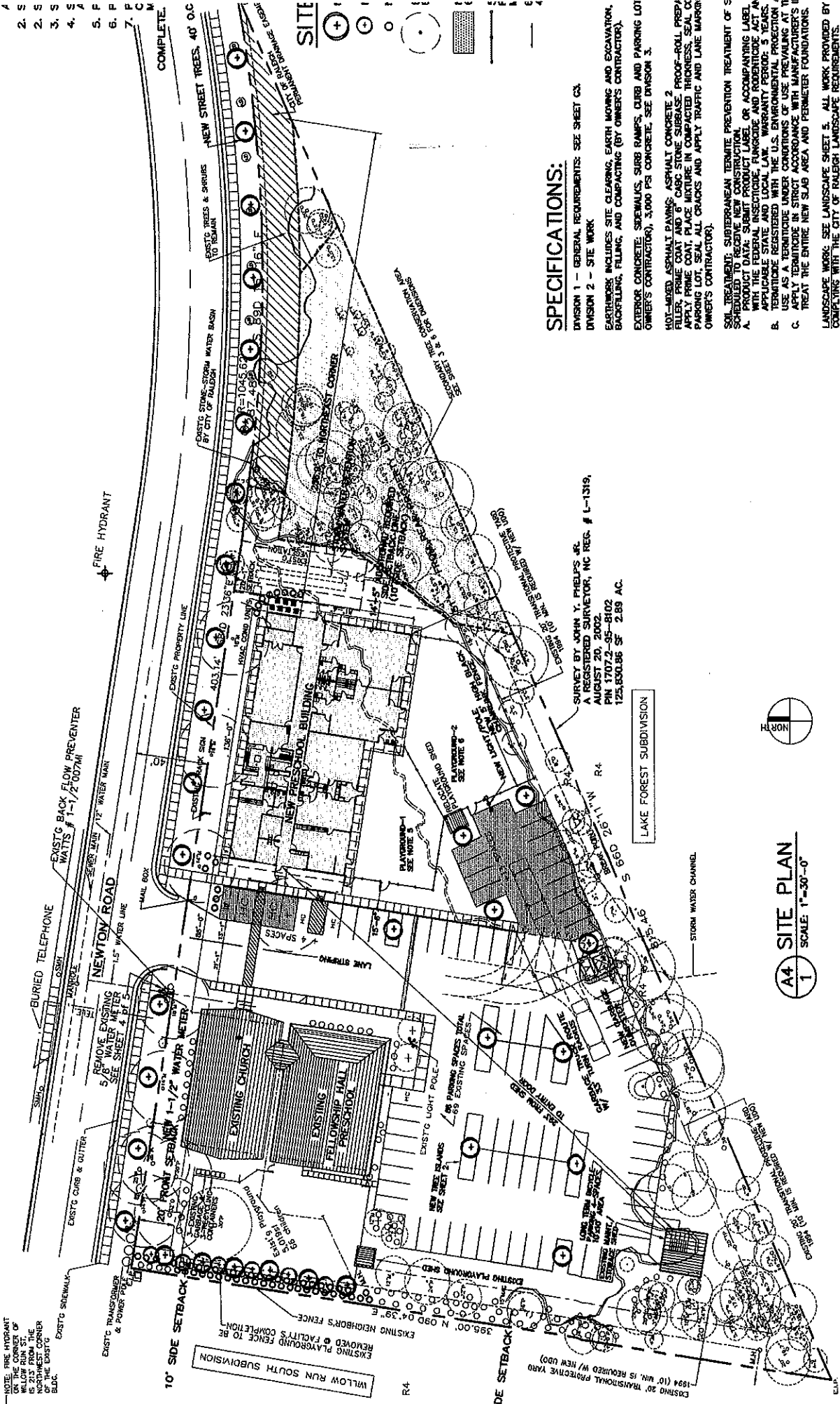


SPECIFICATIONS:

- DIVISION 1 - GENERAL REQUIREMENTS: SEE SHEET C3.
- DIVISION 2 - SITE WORK
- EARTHWORK INCLUDES SITE CLEARING, EARTH MOVING AND EXCAVATION, BACKFILLING, FILLING, AND COMPACTING (BY OWNER'S CONTRACTOR).
- EXTERIOR CONCRETE SIDEWALKS, SUBB RAMPS, CURB AND PARKING LOT OWNER'S CONTRACTOR, 3,000 PSI CONCRETE, SEE DIVISION 3.
- HOT-MIXED ASPHALT PAVING: ASPHALT CONCRETE 2
- FILLER, PRIME COAT AND 6" C&G STONE SUBBASE. PROOF-ROLL PREP/ APPLY PRIME COAT, PLACE MIXTURE IN COMPACTED THICKNESS, SEAL, & PARKING LOT, SEAL ALL CRACKS AND APPLY TRAFFIC AND LANE MARKS (OWNER'S CONTRACTOR).
- SOIL TREATMENT: SUBMERSEAN TREATMENT PREVENTION TREATMENT OF S
- PRODUCT DATA: SUBMIT PRODUCT LABEL
- A. WITH THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT AS APPLICABLE STATE AND LOCAL LAW. WARRANTY PERIOD: 5 YEARS.
- B. TREATMENT REGISTERED WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY.
- C. USE AS A TREATMENT UNDER CONDITIONS OF USE PREVAILING AT IT.
- APPLY TREATMENT IN STRICT ACCORDANCE WITH MANUFACTURER'S II TREAT THE ENTIRE NEW SLAB AREA AND PERIMETER FOUNDATIONS.
- LANDSCAPE WORK: SEE LANDSCAPE SHEET 5. ALL WORK PROVIDED BY COMPLYING WITH THE CITY OF RALEIGH LANDSCAPE REQUIREMENTS.
- SUBDRAINAGE SYSTEMS FOR DOWNSPOUT DRAINS (BY OWNER'S CONTRAC
- A. PIPING SYSTEM STANDARD (SOLID) PIPE, SCHEDULE 40 PVC OR POL
- PIPE, ASTM F 405 OR ASTM 4 887, AS APPLICABLE FOR PIPE SIZE.
- DOWNSPOUT DRAINAGE
- B. MATERIAL FOR INTERSECTIONS, BENDS, TRANSITIONS, AND THE LANE

OR ACTU

NOTE: FIRE HYDRANT ON THE CORNER OF THE LOT. THE FIRE HYDRANT IS THE NORTHWEST CORNER OF THE LOT.

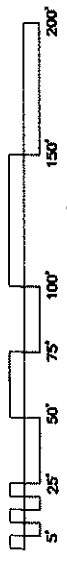


SURVEY BY JOHN Y. PHELPS JR.
A REGISTERED SURVEYOR, NC REG. # 1-1319,
AUGUST 20, 2002.
PIN 1707.2-95-8102
125,830.96 SF 2.89 AC.

LAKE FOREST SUBDIVISION



A4 SITE PLAN
1 SCALE: 1"=30'-0"



1707958102
GETHSEMANE EVANGELICAL LUTHERAN
CHURCH
1100 NEWTON RD
RALEIGH NC 27615-5222

1707944990
PUGH, FREDERICK D PUGH, ROBIN Q
1008 WILLOW RUN DR S
RALEIGH NC 27615-5251

1707945669
POTTS, ALVIN L II POTTS, KIMBERLY A
6833 JUSTICE DR
RALEIGH NC 27615-5214

1707946753
PORTER, SUZANNE PORTER, EUGENE M
III
12318 BASKETWEAVE DR
RALEIGH NC 27614-7872

1707947748
CAPORAL, NICK P CAPORAL, VIRGINIA
6901 JUSTICE DR
RALEIGH NC 27615-5216

~~1707948832
CAPORAL, NICK P CAPORAL, VIRGINIA M
6901 JUSTICE DR
RALEIGH NC 27615-5216~~

1707949817
VELON, CHRISTOS K VELON, JOHN K
6909 JUSTICE DR
RALEIGH NC 27615-5216

1707955143
JACKSON, SAMUEL L
1000 WILLOW RUN SOUTH DR
RALEIGH NC 27615-5251

1707959369
A E FINLEY FOUNDATION INC
PO BOX 98266
RALEIGH NC 27624-8266

1707972006
RAVENSCROFT SCHOOL
7409 FALLS OF NEUSE RD
RALEIGH NC 27615-5316

1717040829
HODGSON, LEISHA RENEE LETTERMAN
TRUSTEE MARY P LET...
6913 JUSTICE DR
RALEIGH NC 27615-5216

1717041913
PERNELL, DEBRA REINHARDT
6917 JUSTICE DR
RALEIGH NC 27615-5216

1717042915
GUZMAN, CARLOS JR GUZMAN,
MILAGROS
6921 JUSTICE DR
RALEIGH NC 27615-5216

1717053029
LEHRER, DANIEL R
6925 JUSTICE DR
RALEIGH NC 27615-5216

~~1717053294
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590~~

1717053471
MARLEN PARTNERS LLC
7000 HARPS MILL RD STE 203
RALEIGH NC 27615-3239

1717053471
TANAS, RAMZI S TANAS, MARIANNE A
7000 HARPS MILL RD STE 101
RALEIGH NC 27615-3241

~~1717053471
MARLEN PARTNERS LLC
7000 HARPS MILL RD STE 203
RALEIGH NC 27615-3239~~

1717053471
TBR STRATEGIES LLC
7000 HARPS MILL RD STE 202
RALEIGH NC 27615-3241

1717053471
STOKES, E LEE III
7000 HARPS MILL RD
RALEIGH NC 27615-3239

1717053471
ABBOTT, R CHARLES JR
7000 HARPS MILL RD STE 103
RALEIGH NC 27615-3239

1717053471
MCINTYRE, JAMES M MCINTYRE, BETTY J
1065 BULLARD CT
RALEIGH NC 27615-6801

1717053471
JASON JAKOB DANE LLC
7000 HARPS MILL RD STE 201
RALEIGH NC 27615-3241

1717053471
7000 HARPS MILL OFFICE CONDOMINIUM
C/O TRADEMARK RESIDENTIAL PROP
1001 WADE AVE
RALEIGH NC 27605-3322

1717054174
MABE, ANDREW MABE, JAMIE
6933 JUSTICE DR
RALEIGH NC 27615-5216

